

Notice of Allowability

Application No.

09/990,537

Examiner

Zachary C. Tucker

Applicant(s)

AXELSSON ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to 27 May 2004.
- ☒ The allowed claim(s) is/are 1-7 and 14-18.
- ☒ The drawings filed on 16 November 2001 are accepted by the Examiner.
- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1624

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

This application is in condition for allowance except for the presence of claims 8-12 drawn to an invention non-elected without traverse. Accordingly, claims 8-12 have been cancelled.

IN THE CLAIMS –

Claims 8-12 have been cancelled.

Status of Claim Rejections - 35 USC § 102

In the previous Office action, mailed 24 February 2004, claims 1-7 and 14-18 were rejected under 35 U.S.C. 102(e) as being anticipated by US 6,574,495 B1 (Golman et al).

The rejection is hereby withdrawn in view of applicants' argument in traversal.

Persuasive is applicants' pointing out of the fact that Golman et al is silent with respect to droplet formation. Upon review of the Golman et al disclosure, it is agreed that the reference fails to teach each and every element of the process of claims 1-7 and 14-18.

Golman et al's hydrogenation process is conducted with countercurrent gas-liquid flow in a particulate bed (glass beads), while the instantly claimed process requires the substrate (substance which is to be hydrogenated) to be introduced into the reactor in droplet form. Golman et al, in describing the reactor employed in that patent, refers to *solution* inlet and *solution* outlet for introduction of substrate and withdrawal of product from the hydrogenation reactor (col. 15, lines 40-60), which indicates that the hydrogenation occurs while the substrate is in liquid form inside the reactor, because it is introduced in liquid form and product is withdrawn in liquid form.

Allowable Subject Matter

Claims 1-7 and 14-18 are allowed.

The following is an examiner's statement of reasons for allowance:

The Golman et al patent is the closest prior art. Golman et al is silent with respect to any droplet formation and no there is no evidence to the effect that such droplet formation is inherent. Accordingly, the claims are allowable over Golman et al.

Art Unit: 1624

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

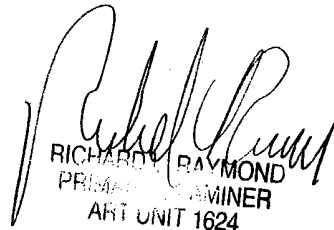
All Post-Allowance Correspondence concerning this application must be mailed to:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or you can fax them to the Office of Patent Publications at 703-308-5083, in order to expedite the handling of such correspondence as amendments under 37 CFR 1.312; information disclosure statements, and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at (703) 305-8027. The Notice of Allowance also has an insert containing contact information on other items, including Issue Fees, receipt of formal drawings and the status of the application.

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RICHARD RAYMOND
PRIMARY EXAMINER
ART UNIT 1624